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MATTERS REQUIRING ACTION BY THE CONFERENCE OF THE PARTIES

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

HEADQUARTERS AGREEMENT WITH THE GOVERNMENT OF GERMANY

Note by the Secretariat

1. By its decision 5/COP.1, paragraph 3, the Conference of the Parties (COP) encouraged the Executive Secretary as a matter of urgency to negotiate a headquarters agreement in an appropriate manner with the Government of the Federal Republic of Germany in accordance with its offer, and upon such terms and conditions as are appropriate and necessary, in consultation with the Secretary-General, and to submit it to the Conference of the Parties for adoption at a subsequent session.

2. By paragraph 4 of the same decision, the COP stressed that, with a view to enabling the secretariat to effectively discharge its functions under the Convention, such an agreement should, in particular, reflect the following:

(a) The secretariat should possess in the host country such legal capacity as is necessary for the effective discharge of its functions under the Convention, in particular to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings;

(b) The secretariat should enjoy in the territory of the host country such privileges and immunities as are necessary for the effective discharge of its functions under the Convention;

(c) The representatives of the Parties and Observer States (and regional economic integration organizations) to the Convention as well as the officials of the secretariat should similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions under the Convention.

3. The COP at the same time also expressed its appreciation to the Government of Germany for its commitment to fulfil the terms of its offer to host the secretariat and to facilitate the resettlement of its staff in attractive conditions; and expressed the hope that the headquarters agreement could enter into force in time for the secretariat to start operating in its new location on 1 January 1999.

4. In negotiating the headquarters agreement, the secretariat and the Government of Germany have taken into consideration, *inter alia*, documents A/AC.241/54/Add.2 and A/AC.241/63.

5. Upon its signing by the Government of Germany, the United Nations and the secretariat, and following ratification by the German parliament, a headquarters agreement is expected to be before the COP for adoption, as contained in document ICCD/COP(2)/8/Add.1, together with a relevant draft decision, contained in document ICCD/COP(2)/13.